

STATEMENT OF JUSTIFICATION

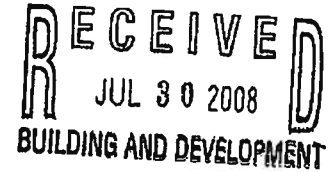
VILLAGE OF WAXPOOL, SECTION 2, PHASE 1

Zoning Map Amendment Application

• Rezoning from R-1 to R-2 Zoning District •

TM 78, Parcel 3, MCPI #156-28-7850

July 30, 2008



1. Introduction

Waxpool Village, L.C. of McLean, Virginia, is the applicant of the Zoning Map Amendment Petition (ZMAP) for a 2.2 acre portion of the Village of Waxpool. The Village of Waxpool community is located on the east side of Belmont Ridge Road and the south side of Waxpool Road. The 2.2 acres proposed to be rezoned is located on the south side of Waxpool Road, east of Iannis Spring Drive. The property is planned for residential use in the Revised General Plan. The applicant is proposing to rezone the property from the R-1 single family zoning district to the R-2 single family zoning district.

2. Background

The applicant is the developer of the Village of Waxpool community. The Village of Waxpool is zoned R-1 and is being developed as an R-1 cluster subdivision. The applicant is preparing to subdivide the final four lots in Section 2, the final phase of the Village of Waxpool. Per both the approved preliminary plat and construction plans and profiles, Section 1 contains 105 lots and Section 2 contains 88 lots. Although 88 lots were included in Section 2 on the approved preliminary plat, now at the time of record plat approval, the applicant finds that there is not sufficient open space to support Lots 87 and 88 as originally anticipated. The primary factor leading to this circumstance is that the applicant willingly agreed to provide 3.3 acres additional right-of-way dedication on Belmont Ridge Road when requested by the County during the early stages of the development of the Village of Waxpool, not realizing at that time that they would need to request density credit for the additional right-of-way dedication in order to achieve the 193 lots approved on the preliminary plats. This 3.3 acre dedication of right-of-way for Belmont Ridge Road from a by-right subdivision is essentially a regional road dedication (a 50-foot ROW already existed) that is enabling safety improvements to be made to Belmont Ridge Road by allowing the straightening and widening of the road alignment in accordance with County plans.

3. Proposal

In order to achieve the 193 lots that received preliminary plat and construction plans and profiles approval, the applicant proposes to rezone the residue parcel containing 2.2 acres (Lots 85-88) to the R-2 zoning district. The rezoning would result in the same number of lots presently included in the approved preliminary plat and construction plans and profiles and would allow the subdivision of the final four lots as anticipated by the preliminary plat and construction plans and profiles.

4. Project Summary

Size: 2.2 acres

Existing Zoning: R-1 single family residential

Proposed Zoning: R-2 single family residential

Proposed Density: 1.8 dwelling units per acre

Proposed Development Program: 4 single family detached dwelling units

Surrounding Land Use: North: R-1 lots, Reserve at Waxpool (PD-H4)
East: Village of Waxpool common open space (R-1)
South: Village of Waxpool common open space (R-1)
West: Village of Waxpool Lot 84 (R-1)

5. Comprehensive Plan Conformance

The Property is governed by the residential community land use policies contained in the Suburban Policy Area of the Revised General Plan and the transportation policies found in the Revised Countywide Transportation Plan ("CTP"). The property lies on the western edge of the Suburban Policy Area in the Ashburn community. The Revised General Plan calls for residential development in this area at a density of up to four dwelling units per acre. The proposed four lots will have a density of 1.8 dwelling units per acre, with the balance of the Village at Waxpool having a density of 1 dwelling unit per acre.

6. Zoning

The R-2 district will provide the identical lot requirements that currently are being administered under the R-1 cluster provisions of a 20,000 s.f. minimum lot size and the same yard requirements. The rezoning, however, will alleviate the open space requirement of the R-1 cluster option.

7. Transportation

The Village of Waxpool subdivision has frontage on Belmont Ridge Road and Waxpool Road, and it has one entrance onto each of these roads. The proposed 2.2 acre portion being rezoned fronts on Waxpool Road, with none of the proposed four lots having access onto Waxpool Road. Instead, the four lots will be served by a private road with access onto Iannis Spring Drive. Iannis Spring Drive is the Village of Waxpool subdivision street accessing Waxpool Road. The portion of Waxpool Road fronting the Village of Waxpool is classified as a local/secondary street in the CTP and is a two lane, unpaved rural road section. The Reserve at Waxpool project located across Waxpool Road from this rezoning is proffered to pave Waxpool Road between Iannis Spring Road and the current paved section of Waxpool Road to the east. This improvement will enhance the safety of Waxpool Road along the proposed rezoning property frontage. Belmont Ridge Road is classified as a minor arterial road in the CTP and planned ultimately as a six-lane median divided controlled access roadway, with 120 feet of right-of-way. It currently is being upgraded from a two-

lane rural roadway to a four-lane median divided controlled access roadway as an interim condition. Without the rezoning, the applicant will only be able to achieve record plat approval for 86 lots. This two lot difference will generate 20 additional weekday vehicle trips and three weekday peak hour trips. This minor trip generation difference does not warrant a traffic study and does not trigger the 527 regulation for a VDOT traffic study. In addition, the regional road dedication is enabling safety improvements to be made to Belmont Ridge Road by allowing the straightening of the road alignment.

8. Zoning Ordinance Section 6-1211(E) - Issues for Consideration

Section 6-1211(E) of the Revised 1993 Loudoun County Zoning Ordinance states: "...if the application is for reclassification of property to a different zoning district classification on the Zoning Map, the Planning Commission shall give reasonable consideration to the following matters..."

(1) Whether the proposed zoning district classification is consistent with the Comprehensive Plan.

The Comprehensive Plan designates the location of the property as appropriate for suburban residential development with a density of up to four dwelling units per acre. The applicant proposes to rezone the property to R-2 for the purpose of constructing four single-family detached units at a density of 1.8 dwelling units per acre. The rezoning will result in two additional units beyond what the current zoning would permit.

(2) Whether there are any changed or changing conditions in the area affected that make the proposed rezoning appropriate.

The applicant provided what is equivalent to a regional road dedication of 3.3 acres during the subdivision process for the by-right Village at Waxpool community at the request of the County to enable the widening and straightening of Belmont Ridge Road, which is being upgraded due to increased traffic on Belmont Ridge Road. The rezoning will enable the applicant to achieve the same number of units that were approved on the preliminary plat and construction plans and profiles prior to the dedication of the regional road right-of-way.

(3) Whether the range of uses in the proposed zoning district classification are compatible with the uses permitted on other property in the immediate vicinity.

The applicant is proposing single family detached dwelling units, which is compatible with the uses permitted on other property in the immediate vicinity, in particular, the Village of Waxpool community.

(4) Whether adequate utility, sewer and water, transportation, school and other facilities exist or can be provided to serve the uses that would be permitted on the property if it were rezoned.

The property already has been developed with the road and utility infrastructure in place.

The rezoning will result in the same number of dwelling units and student generation that would have occurred under the approved preliminary plat and construction plans and profiles for the Village of Waxpool if the 3.3 acre regional road right-of-way dedication had not been provided.

(5) The effect of the proposed rezoning on the County's ground water supply.

The proposed four lots will not impact the ground water supply in Loudoun County as the project will use central water and will not use ground water from the immediate area.

(6) The effect of uses allowed by the proposed rezoning on the structural capacity of the soils.

The developer will use proper engineering techniques to insure that appropriate measures are taken to safeguard the integrity of the structural capacity of the soils. The approved construction plans and profiles reflect these techniques.

(7) The impact that the uses that would be permitted if the property were rezoned will have upon the volume of vehicular and pedestrian traffic and traffic safety in the vicinity and whether the proposed rezoning uses sufficient measures to mitigate the impact of through construction traffic on existing neighborhoods and school areas.

The rezoning will result in two additional single family detached lots, which will generate 20 additional weekday vehicle trips and three additional weekday peak hour trips. This minor trip generation difference does not warrant a traffic study and does not trigger the 527 regulation for a VDOT traffic study. These four units may be constructed without construction traffic using the Village of Waxpool internal street system. The site can be accessed using Belmont Ridge Road, Waxpool Road, a short stretch of Iannis Spring Drive and Virginia Oak Court.

(8) Whether a reasonably viable economic use of the subject property exists under the current zoning.

The property is located in an area of the county designated as appropriate for suburban residential development up to 4.0 dwelling units per acre. While the current zoning is viable, the additional two lots will result in the same density that was approved under the by-right preliminary plat and construction plans and profiles prior to the 3.3 acre regional road right-of-way dedication.

(9) The effect of the proposed rezoning on the environment or natural features, wildlife habitat, vegetation, water quality and air quality.

The property already has been graded and developed pursuant to the approved construction plans and profiles. The Village of Waxpool was developed as a cluster subdivision, which enabled the site to preserve the significant natural features and vegetation. The 2.2 acres to be rezoned were slated as lots on the approved preliminary plat and construction plans and profiles and not open space.

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- (10) Whether the proposed rezoning encourages economic development activities in areas designated by the Comprehensive Plan and provides desirable employment and enlarges the tax base.

The Village of Waxpool community is located in an area of the Suburban Policy Area that calls for residential use up to 4.0 dwelling units per acre, which, therefore, is not an area intended for economic development activity or employment uses.

- (11) Whether the proposed rezoning considers the needs of agriculture, industry, and businesses in future growth.

This proposed rezoning is not located in an area designated in the Comprehensive Plan for agriculture, industry or business.

- (12) Whether the proposed rezoning considers the current and future requirements of the community as to land for various purposes as determined by population and economic studies.

The Revised General Plan designates this location for residential development. The land use policies contained the Comprehensive Plan provide for a balanced land use pattern and call for this area to be a residential community.

- (13) Whether the proposed rezoning encourages the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the County.

The Revised General Plan designates this area as the most appropriate location for residential development.

- (14) Whether the proposed rezoning considers trends of growth or changes, employment, and economic factors, the need for housing, probable future economic and population growth of the county and the capacity of existing and/or planned public facilities and infrastructure.

The Revised General Plan considered these trends and factors and determined that residential development at up to four dwelling units per acre is appropriate for the property being rezoned.

- (15) The effect of the proposed rezoning to provide moderate housing by enhancing opportunities for all qualified residents of Loudoun County.

This rezoning will not address the provision of moderate housing due to its small size and its goal of achieving the by-right density that was approved for the property prior to the 3.3 acre regional road right-of-way dedication for Belmont Ridge Road.

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- (16) **The effect of the rezoning on natural, scenic, archaeological, or historic features of significant importance.**

The preliminary plat lay-out and approved construction plans and profiles designated the 2.2 acres included in the rezoning as residential lots since this area did not include any of these features. The open space that was retained in the Village of Waxpool was based on the preservation of the significant natural features on the property.

9. Conclusion

The proposed rezoning application for 2.2 acres of the Village of Waxpool is in conformance with the land use and density policies of the Revised General Plan and is in compliance with the provisions of the Revised 1993 Zoning Ordinance. At only a 1.8 dwelling unit per acre density, the project is at the lower end of the density range recommended in the Revised General Plan. Through this rezoning application, the applicant is requesting that the Planning Commission and Board of Supervisors recognize the significance of the 3.3 acre regional road right-of-way dedication for Belmont Ridge Road that the applicant voluntarily provided at the request of the County during the by-right subdivision process. The applicant had no obligation at that time to provide the requested dedication, but did so to cooperate with the County's desire to widen and straighten Belmont Ridge Road, thereby enabling the enhancement of that road's safety and performance in conformance with County plans. It is due to this dedication during the early phases of the project that the applicant now finds that the project is short the open space area needed for the final four lots of the cluster subdivision that were included in the approved preliminary plat and construction plans and profiles for the Village of Waxpool. The applicant could have requested and received density credit for the dedication at the time they granted the right-of-way dedication. Having failed to obtain density credit at that time, the proposed rezoning is the only procedural remedy available to the applicant to rectify this situation. Due to the unique circumstances giving rise to this rezoning request, and due to the fact that the rezoning conforms to the Comprehensive Plan and does not create additional impacts to the County beyond the approved by-right preliminary subdivision of the Village of Waxpool, the applicant respectfully requests the support of the staff, Planning Commission and Board of Supervisors for this rezoning application.